

BOARD OF SELECTMEN
OCTOBER 8, 2014
REGULAR SESSION

Members Present: David Parker, Nelson Almeida, Michael Brady, Gary Sagar

Absent: David Andrade

Town Administrator: Shawn E. Cadime

Finance Director Bruce Alexander was also in attendance.

Chairman Parker opened the meeting at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30, Section 20, anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording the meeting both audio and video.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Cadime advised that volunteers are needed on the Capital Improvement Committee, Conservation Commission, Cultural Council, Economic Development Committee, Energy Committee, Historical Commission, Property Tax Work-Off Committee, and Zoning Board of Appeals.

He noted that Mr. Carl Nielson was in attendance. Mr. Nielson was appointed to the Energy Committee at the last meeting, but he was unable to attend that night.

Mr. Nielson said he has been a resident of Seekonk for 36 years. He thought he would be interested in the Energy Committee.

In response to Mr. Sagar's question, he felt the Town could pursue having its own electric company.

PRIORITY MATTERS

Recognition of Two Seekonk Businesses – Four Town Farm and Tony's Seafood

Mr. Cadime commended these businesses that were selected to provide local produce and food to be served at the presidential function in Newport, RI.

Chairman Parker said that was quite an honor.

These businesses will receive a Citation and a plaque.

Discussion on the Status of the Banna Fire Station

Mr. Cadime advised that a meeting was held prior to this meeting with members of the building committee and a representative from the Mass. Department of Public Safety. Mr. Sagar, four members of the building committee, Building Commissioner John Santos, Chief Healy, the clerk of the works and architect were in attendance to discuss the slow place of finishing the Banna Fire Station.

Mr. Sagar noted that the Town entered into a contract with Nadeau Corporation, the general contractor, on September 23, 2013. The Building Department issued a foundation permit and demolition permit. The foundation went in. Under the contract that Nadeau signed for the modular portion of the building, it was supposed to be delivered and erected in December 2013. That was delayed for multiple reasons. The State didn't issue the initial permit until March 2014. The design was rejected because it didn't meet the specifications and what was ordered. That stopped the project and they went back and did some redesign. On May 21, 2014, the buildings arrived and were set. Under the contract with Nadeau, they had 250 days from September 25 to complete the project, which was June 2, 2014. After that date, there is a \$500 penalty per day assessment to the contractor. As of now, it is \$65,000 and still continues.

Mr. James Marshall of Blount Bennett Architects said the process has been longer than expected. It should have been completed on June 2, 2014. Realistically, it will probably be a few months more given some of the outstanding items waiting on by the general contractor and modular company. Many of those are structural items. Many deficiencies were noted in June. The general contractor proceeded from that point to do what he could. They met with the state inspector at the end of August because everything was at a standstill.

The state inspector provided motive for the modular erector and fabricator and their design team. It has gone back and forth several times. The list is fairly extensive. Some items have been addressed and some have been agreed on by the architect and building inspector. Some items are still waiting recertification. They have done everything they can on site. They are waiting on insulation in the attic and some structural repair items. They are also waiting for a formal response from the modular designer.

Building Committee Chairman Warren Carpenter noted that Blount Bennett has put in a considerable amount of time into this project over and above what was initially contracted for. The budget is very tight. He hoped there is enough money to finish the project. There has to be discussion on the next agenda item.

Paving was scheduled for the next day but will have to be delayed because of the rain. The outside will be complete once the binder coat is put down, the fence on both sides, and the finish coat of paving. The apparatus part of the building is more or less complete. The back part where the living quarters are is the modular and that is where all the problems are.

Chairman Parker asked about the clerk of the works. He heard the State cited 22 violations.

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Mr. Sagar said the letter is from Glenco, the firm that approves all modular work for that company. All parties will be invited back to the site to discuss what is going to be done.

Mr. Parker asked how that could happen when the clerk of the works and architect were on site.

Mr. Marshall said the initial list came from his office. The response from Glenco in August was the first response to those items. Blount Bennett reviewed those and issued a response to that detailing which items should be addressed.

The latest response on remedial work was on September 23, 2014. They are still waiting to hear about some of the outstanding items on the initial list. Work on agreed upon items is proceeding, but very slowly. All they can do is to keep pointing out the problems. Other than that, they are at the mercy of responsiveness.

Chairman Parker inquired about the \$500 per day penalty.

Mr. Marshall advised that the general contractor is the one that is contracted with the Town. He has the \$500 liquidated damages clause. The modular sub-contractor is only contracted to the general contractor. They are the ones being non-responsive. The general contractor is doing all he can to proceed, but he is not getting answers from his sub-contractor.

Mr. Brady asked how much was paid to this modular company.

Mr. Carpenter felt the Town has paid Nadeau basically 100% for the modular portion. The last invoice approved was for the end of July. They have tabled August and September until the issues are corrected. The remaining amount due to Nadeau is \$170,000.

Mr. Brady emphasized they need to get legal involved. They need to file a complaint with the Atty. General or Inspector General, whichever one is appropriate, for potential fraud or potential misconduct on the part of the modular company. They should instruct counsel to file an injunction relief in superior court to order a declaration that they shall perform. He noted if they wait, the company will disappear. It has happened with other projects. He will not sign another warrant for that project until these things are corrected, at least from the contractor's point of view. He repeated that they need to take legal action now.

In response to Mr. Almeida's question, Mr. Cadime advised the penalty is about \$80,000 through October 31, 2014. The lease for the temporary fire station is \$1,100 plus utilities monthly.

Mr. Almeida agreed with Mr. Brady to move forward with legal action.

Mr. Cadime advised that the building committee has talked about including all the costs, including the lease. He will talk to Atty. Mark Reich of Kopelman & Paige.

Mr. Brady felt that any legal fees should also be included.

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Mr. Cadime said the Town has a \$1.3M performance bond from Nadeau.

Chairman Parker noted the Board will meet again next week on another priority item. He suggested that Atty. Reich could attend that meeting for further discussion on the problems at the Banna Fire Station.

Mr. Almeida pointed out that he does not blame the members of the building committee. They have done a fine job.

All Board members agreed. Mr. Sagar noted that the building committee meets every Tuesday morning. They have had 46 meetings so far.

Chairman Parker reiterated that there will be further discussion on Banna with legal counsel at the next meeting.

Discussion and Possible Vote on a \$10,000 Technology Warrant Article for the Banna Fire Station – Request by Selectman Sagar

Fire Chief Michael Healy stated that the question came up if technology was part of the building contract. It is not. The Fire Department is serviced by MX. He got a quote in the amount of \$8,500, but he got it down to around \$4,400. He is going back and forth with Comcast and MX. He wants to make sure the wii system will manage what they need.

A motion was made by Mr. Brady, seconded by Mr. Sagar and it was unanimously

VOTED: To open the warrant for the November Town Meeting.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To include technology for the Banna Fire Station on the warrant for the November Town Meeting; not to exceed \$10,000.

Mr. Almeida felt that residents were under the impression the amount for the Banna Fire Station would be all inclusive. He asked if extra money would go back to free cash.

Mr. Cadime explained the authorization for the \$1.3M was to go forward and bond. They will not bond the entire amount of \$1.3M and at the end of the project they will rescind the difference to close it out. They could either go out and bond for the \$10,000 or use free cash.

Chief Healy advised that the Fire Department was successful in securing a grant for computers for the main station and Banna. The figure keeps coming down.

Discussion and Possible Vote to Waive Any and All Fees Associated with Perpetual Care for the Veterans Memorial Park

A motion as made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To table indefinitely.

Mr. Brady asked what the issue is for perpetual care. It is on town property.

Mr. Sagar said the chairman of the committee told him he needs a permit to build the monument.

Acceptance of Donation – Flag Poles for Veterans Memorial Park

Mr. Cadime advised that Atty. David Tapalian had donated three flagpoles – two 35 ft. and one 40 ft.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To accept the gift of flag poles from Atty. David Tapalian for the Veterans Memorial Park.

Discussion and Possible Vote to Appropriate Free Cash in Lieu of Real Estate Tax Increase – Requested by Selectman Sagar

Mr. Sagar noted that the Town has \$2, 015,900 in free cash. Under Proposition 2 ½, the levy limit can increase by 2.5% per year. That number comes out to \$1,011,064, including new growth. He initially thought the Town could give some money back to the citizens. However, Massachusetts law does not allow that.

He spoke to Mrs. Gabriel, Mr. Alexander and Mr. Cadime. It might be possible to cut the \$1M in half to offset the increase people would see in their tax bill this year. But, that may hurt with the levy going forward.

Chairman Parker noted that is called under limit levy. He suggested appropriating money at Town Meeting and using some of that to prepay some of the debt exclusion.

Mr. Sagar said that last year \$1M went into free cash and Mr. Alexander would like to do that this year. They talked about putting \$500,000 into municipal capital stabilization and \$500,000 into an OPEB account.

Mr. Alexander explained that several years ago Town Meeting established an OPEB trust to pay for other post employment benefits. The Government Accounting Standards Board will issue new regulations where the financial statements will be drastically affected by the amount of liability the Town carries for other post employment benefits.

The rating agencies are looking favorably to towns that have established trusts and making contributions. In Seekonk, it started with \$10,000 and they have been putting the rebate for Part 2 Medicare into that. There is about \$75,000 in there right now. The unfunded liability is \$22M.

Mr. Cadime commended the town for having the trust set up. He liked Mr. Sagar's recommendation to put more money in that account. It will look favorably on the Town's rating, especially when they go to the bond market for the senior center and Banna Fire Station.

Mr. Almeida asked if the \$1M left in free cash is sufficient.

Mr. Alexander replied there are no substantial requests to come out of that.

Mr. Sagar asked if Mr. Alexander is comfortable with the \$500,000.

Mr. Alexander said that would leave enough for contract settlements, etc. The Town is locked in for electricity at 7 cents a kilowatt hour until 2017.

Mr. Sagar expressed disappointment that the State would not allow the Town to give back money to residents.

With respect to the \$10,000 for Banna, Mr. Alexander suggested that could come out of the ambulance receipts fund.

The order of business moved to New Business.

Discussion on the Rollout of the New Rubbish and Recycling Collection Program with the Department of Public Works

Mr. Sagar said he was surprised to hear from his mother that smaller containers are available from ABC Disposal. His initial proposal was to phase out the blue trash bags, but they would have to replace the revenue so they still have to buy the blue bags. To prove a point for two weeks in a row he has put his blue bags inside a black bag. His recommendation is to eliminate the blue bags maybe after January 1, 2015 and replace with some other revenue source. He read from Category 11 which is the bylaw that establishes the recycling and trash program. Based on that, they can't move forward with the trash program. It says an annual trash fee shall be assessed on every residential dwelling unit in the town and paid by the property owner. There is no definition of residential dwelling unit. It appears that people who live in the same complex as Mr. Almeida should not be excluded.

In Category 15, it says that each homeowner shall sort individually. There is also wording that recycling should not be placed in the Town's recycling facility. It says that closed bags may be placed curbside in plastic or metal containers.

He discussed this with Mr. Alexander and he shares the same concerns with the blue bags going forward. This bylaw should have been amended to correspond with the new program. It should be done within a month or there will be serious problems.

Mr. Alexander said that he spoke to Mr. Lamoureux and they have a couple of fixes that can be made to the bylaw.

Mr. Cadime said they need to review all the bylaws.

Chairman Parker noted that they have tried for two years and have not been able to get volunteers to come forward to review the bylaws.

Mr. Lamoureux recommended they add verbiage to include Greenbrier. ABC does not go on private roads.

Mr. Alexander proposed language to define a residential dwelling unit – one but not more than five dwelling units, not including businesses, hospitals, hotels, motels, apartment buildings, nursing centers, condominiums, or dwelling on private roads.

Mr. Almeida referred to language in the bylaw. He felt that nothing has to be changed.

Mr. Cadime questioned how they would make up revenue that would be lost with the elimination of bags.

Mr. Alexander said the amount of tipping fees for a year is \$201,600 for 510 households.

Mr. Lamoureux said he has no concern about getting rid of the blue bags. He noted there are a lot of elderly in town and they will be paying more to dispose of someone else's trash. Also, the fee to go to the landfill is based on an estimate. There has to be a mechanism in place to subsidize that.

Mr. Cadime said he talked with ABC about how to ensure there are safety nets so they are not being overcharged. He used the trust with verification. They need to do spot checks. They need to make sure they have verification in place.

Mr. Lamoureux stated that periodically either Mr. Cabral or he have followed the trucks around town but not all the way to New Bedford to watch them dump their loads.

Chairman Parker said he can't support this.

Mr. Sagar wanted to research eliminating the blue bags. About \$200,000 is the revenue generated from the blue bags.

Mr. Al Silva questioned why people are not being penalized for not using blue bags.

Mr. Cabral said that ABC is keeping track of locations that may not be using blue bags. There will be further discussion on that. Overall, there has been minimal abuse.

Mr. Lamoureux said that DPW received 806 calls thus far on the new system.

They will rework the bylaw and include that the trash will not be picked up without a recycling bin and provide a financial plan to replace revenue when blue bags are eliminated.

Mr. Alexander noted that according to the Board of Health people with dumpsters are cancelling and using the totes.

OLD BUSINESS

Discussion on Permanent Building Committee By-Law – Requested by Selectman Sagar

Mr. Cadime advised there are two versions - one that came back from Atty. Lauren Goldberg and the copy that says final draft which includes and incorporates all the changes.

Mr. Brady felt it would be easier to have employment contracts.

This bylaw will be on the Fall Town Meeting warrant.

Discussion on the Request for a New Vehicle for the Department of Public Works

Mr. Cadime said that he asked Mr. Lamoureux and Mr. Cabral to be here. There was concern about the mileage on the 1999 Mercury Mountaineer. He intends to move forward with the purchase of a new vehicle for DPW. The Finance Committee feels it should be on the town warrant and not reserve funds.

Mr. Lamoureux explained that the vehicle has about 120,000 miles. The cost of repairs is \$3,230 and the vehicle also needs tires. It has no value. This vehicle was primarily used by Mr. Cabral. He is now using a police vehicle. This vehicle was the #1 priority in this year's capital improvement plan.

The cost of a Ford F-150 or a similar SUV would be \$31,000 and an additional \$4,000 for a plow.

Mr. Lamoureux noted the vehicle has been maintained by DPW. The cost of repairs since July 2012 is \$1,413.

Mr. Almeida questioned the need for an F-150. He sees ads for 4 x 4 vehicles at \$16,000 to \$17,000.

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Mr. Lamoureux said the quote came from the state bid list.

Mr. Sagar asked about the policy to purchase a vehicle.

Mr. Cadime said it varies from department to department depending on the usage. He is talking to department heads about trading in or handing down the vehicles to other departments.

Mr. Sagar said he was displeased with a vehicle purchased by the Police Department. He said there needs to be discussion on vehicles. He felt the Town owns too many vehicles.

COMMUNITY SPEAKS

The attorney for Chipotle stated that Ms. Rogers had told him to attend this meeting for a liquor license hearing.

Mr. Cadime apologized. He said he had no information on that. It will be on the agenda in two weeks.

Chairman Parker noted that the letter from Steve Arruda, Chairman of the Veterans Memorial Park Committee, indicates the waiver is for construction, maintenance and perpetual care.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To grant the request to waive any and all fees associated with the construction, maintenance and perpetual care of the Veterans Memorial Park.

NEW BUSINESS

Discussion on Traffic and Roadway Updates with the Department of Public Works

Mr. Cadime advised that Mr. Lamoureux and Mr. Cabral will talk about issues raised by the Board. Chestnut Street next to the Country Kitchen is a one way, double lane with multiple parking violations. It could be one lane with a lane for parking.

Mr. Cabral stated he has been to the house at the corner of Anthony and Cole Streets regarding visibility. He sent out a notice to the property owner. There has been no response. The property owner does not live at that address. They could go out there and cut back the shrubs and flowers. The visibility is limited not blocked. As far as a three way or all stop, the Town does not meet the criteria.

Mr. Lamoureux noted there has never been an accident at that intersection over the past three years. He felt the line of sight issue will correct that.

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Mr. Almeida had concerns with DPW going on that property. He suggested a stop sign at that corner.

Mr. Cabral said that would be up to the Board. It would not be his recommendation.

Mr. Sagar would like to have GPI look at the area at the lights on Baker's Corner heading south.

Mr. Cabral said he could ask GPI to evaluate that.

With regard to Chestnut Street, he would recommend parking on the right side. They had planned on making changes. Police and Fire are OK with that.

Mr. Brady suggested that parking should be a little back from the corner.

With regard to Read and Prospects Street, Mr. Cabral said there have been concerns with speeding especially in sections of Read Street heading toward Rehoboth up to Walker Street. There are no speed regulations in certain areas of those roadways.

The Board agreed to proceed with a study of those roadways.

Mr. Cabral advised that SRPEDD did a speed study on Prospect Street.

He suggested a meeting with DPW, Police and Fire and representatives of the Wheeler School regarding parking on Prospect Street during school events.

Mr. Lamoureux advised that he has been out on Arcade Avenue several times. There is a slight deviation in the elevation of the asphalt. That has been in place since the end of June.

Mr. Sagar said it settled within 30 days of pavement.

Mr. Lamoureux said a representative of the Water Department supervised that project.

Mr. Sagar noted it cost \$100,000 and within 30 days there is a settlement issue.

Mr. Cadime said he did look at it. He noticed something when driving toward it. There was a cut in the road.

Mr. Lamoureux said they put flowable fill in there.

Mr. Cadime said that GPI can check it as well. He noted that the contractor is responsible for that road for five years.

Mr. Sagar said there are a lot of gas trenches in town that have settled.

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Mr. Cadime said they talked about County Street yesterday.

Mr. Lamoureux said the gas company did Warren Avenue over last year. It will mill and pave the section of County Street from the E. Providence line.

Mr. Cabral advised they are waiting for permits to do the light at the Public Safety Complex. The design is complete. Should be ready for construction by spring.

The Grist Mill curb was advertised on September 6, 2014. Bid opening is in January 2015. The project should be ready for construction in the spring.

Mr. Lamoureux talked about the grinding on Newman Avenue.

He said they sent out snowplow applications today.

They use a minimal amount of salt on the roads to get required results.

Mr. Almeida said that people are still parking in front of no parking signs on Cole Street and Prospect Street. He suggested they put the amount of the fine on the signs as a deterrent.

Mr. Brady noted it is in the bylaws.

Mr. Lamoureux said they just purchased signs.

Anyone who sees a violation should contact the Police Department.

Mr. Almeida talked about parking on the sidewalk at 63 County Street.

Discussion on Increasing the Hours of Operation of the Transfer Station – Requested by Selectmen Sagar and Almeida

Mr. Lamoureux gave statistics for the operation of the transfer station during extended hours last year beginning on October 5, 2013. Beginning next Tuesday, DPW will provide curbside service at households. The transfer station actually services very few people from 12 to 3 p.m.

Mr. Sagar said the hours of the transfer station are not suitable for all people and it should be open all day Saturday. through certain times of the year.

Mr. Almeida suggested putting a full time employee on Saturday with a day off during the week.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was

VOTED: 3 Ayes; 1 Nay; To open the transfer station from 8 a.m. to 12 p.m. and 12:30 pm. to 3 p.m. on Saturdays during October and November.

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The vote: Mr. Brady – Aye; Mr. Sagar – Aye; Mr. Almeida – Aye; Chairman Parker – Nay.

Vote to Approve Roof Contract for Old Town Hall

Mr. Cadime advised that Mr. Alexander and an attorney from Kopelman & Paige prepared the IFP. There were five bids from \$27,400 to \$56,500. He recommended awarding the contract to DDC Construction of New Bedford, MA.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

VOTED: To award the contract to DDC Construction in the amount of \$27,400 for the roof and gutter replacement at Old Town Hall.

Prior to the vote, Mr. Almeida said he didn't see a warranty. He asked if the Town pays a deposit and the final payment upon completion.

Mr. Cadime said that municipalities do not give deposits.

Mr. Sagar said he would like to see a more inclusive contract in the future.

Vote to Accept the Resignation of the Assistant Animal Control Officer and to Advertise to Fill the Vacancy

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To accept the resignation of Karen Harvey as Asst. Animal Control Officer, with regret.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To direct the Town Administrator to advertise the Assistant Animal Control Officer position.

Discussion and Review of Warrant Articles

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

VOTED: To table discussion and review of warrant articles until the next meeting.

A motion was made by Mr. Brady, seconded by Mr. Sagar, and it was unanimously

VOTED: To close the warrant for the Town Meeting in November.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime advised that Atty. Fair should have the document on the Charter revisions by tomorrow.

There were six RFQ for architectural services at the senior center. The sub-committee is in the process of reviewing the proposals. The budget for this project is \$1.4M.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Almeida thanked people who organized the pumpkin event at the Aitken School.

He advised the Fire Department will have an Open House on Sunday, October 12, 2014.

He asked for an update on the chicken bylaw.

Mr. Cadime said it was referred back to the Planning Board.

Mr. Almeida inquired about the tenants in the newly-acquired senior center building.

Mr. Cadime said they are still there. He had requested Kopelman & Paige to prepare a Notice to Quit. Atty. Klein said it was not their area of expertise. However, Atty. Fair will have a draft prepared. Tenants will be given 60 day to vacate.

Mr. Almeida asked about having a work session with Parks & Recreation and School Committee members re: CORI checks.

Chairman Parker stated that every coach in this town is CORI checked.

Mr. Cadime said every coach should have been CORI checked. In the transition, Mr. Campbell found some forms that were not processed.

Mr. Almeida asked for an update on sign enforcement. He noted that East Providence residents are advertising yard sales in Seekonk. He wanted to make sure the person hired will work on weekends.

Mr. Cadime advised that Mr. Alexander and Mr. Santos are working on a job description.

Mr. Almeida wanted to remove signs from telephone poles. It was noted that there has to be a letter from Verizon.

Mr. Cadime will contact Verizon.

Mr. Brady inquired about a grant application submitted by the Director of Human Services.

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Mr. Cadime said there was no guarantee the Town would get the grant. It would have to be next year.

Mr. Almeida thanked all involved in the clean up of the County Street fire station.

Mr. Cadime stated that Chief Jack and DPW reached out to the sheriff's office.

Chairman Parker requested a breakdown from Mr. Alexander on the IT budget for the next meeting.

Mr. Cadime said he is trying to do quarterly budget reviews. It will be part of that conversation.

Chairman Parker asked about the School Street building.

Mr. Brady suggested they should look into the cost of demolition.

Mr. Sagar felt there is definite possibilities there as part of the Town's history. They should wait until the public safety survey.

Chairman Parker announced the blood drive on Thursday, October 9, 2014, from 11 a.m. to 2 p.m. at Town Hall.

The annual Food for Fuel Spaghetti Supper will be held on Wednesday, October 22, 2014, from 4:30 to 7 p.m. at the high school to support the fuel assistance program for low income families.

Chairman Parker inquired about bids for the animal shelter.

Mr. Cadime said there were no bids as far as he knew.

COMMUNITY SPEAKS

The videographer advised that Cable 9 had looked into the School Street building, but it is full of asbestos.

At 8:52 p.m., a motion was made by Mr. Sagar, seconded by Mr. Brady, to go into Executive Session to discuss strategy with respect to collective bargaining with the Seekonk Firefighters Local 1931 per M.G.L. Chapter 30A, Section 21(3); not to return to Open Session.

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Mr. Almeida – Aye; Chairman Parker – Abstained. He will not participate in Executive Session.

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Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary